

# Responding to a **Domestic Violence Restraining Order**

These forms can be used to respond to the court to a request for a Domestic Violence Restraining Order. You must complete the “**Answer to Temporary Restraining Order**” [DV-120] and have someone over the age of 18 other than you serve a copy of the **Answer** on the person who is seeking the Restraining Order. The copy may be served by mail. The person who mails the copy to the other party must complete a “**Proof of Service by Mail**” [DV-25] and you must file that **Proof of Service** with the court along with the original **Answer**. The **Answer** and **Proof of Service** must be filed at least 3 days before the hearing.

You **MUST** attend the hearing. At the hearing the court may make a 3-year order keeping you away from the person asking for the Restraining Order. The court may also make an order keeping you away from your children and may make permanent custody, visitation and support order. If you do not attend the hearing the court will not hear your side of the story.

This packet includes an “**Answer to Temporary Restraining Order**” [DV 120] and a “**Proof of Service by Mail**” [DV-250].

**NOTE:** The Family Law Facilitator can review your documents and assist you in correcting any mistakes before you submit your forms to the court.



## What is a restraining order?

It is a court order.

## What does the order do?

It can order you to:

- Not contact or go near the protected person
- Not have a gun while the order is in effect
- Move out of the house
- Follow child custody and visitation orders
- Pay child support and
- Pay spousal support

**Read the order carefully. If you disobey the order, you can go to jail or be fined.**

## What if I have a gun?

You cannot own, possess, or have a gun or firearm while the order is in effect. If you have a gun now, you must sell it to a licensed gun dealer or turn it in to police. Read Form DV-810.

## Should I go to the hearing?

Yes. Go to court on the hearing date listed on page 1 of Form DV-110. If you do not go to court, the judge can make the orders without hearing from you.

## How do I tell my side of the story?

File Form DV-120 before the hearing date. Also, have someone mail it to the person who asked for the order or to the person's lawyer. This is "Service." The person who mails it must fill out and sign a *Proof of Service by Mail* (DV-250). File the *Proof of Service* with the court clerk. Keep a copy.

## Do I have to get a lawyer?

No. But it is a good idea, especially if you have children. Ask the clerk how to find free or low-cost legal services.

## What if I also have criminal charges against me?

See a lawyer. Anything you say or write can be used against you in your criminal case.

## What if I am a victim of domestic violence?

Call the National Domestic Violence Hotline:

**1-800-799-7233**

**TDD: 1-800-787-3224**

Ask them who can help you file a restraining order.

**DV-110 Temporary Restraining Order and Notice of Hearing**

Client stamps below when form is filed

1 Protected person's name: \_\_\_\_\_  
 Protected person's address (skip this if you have a lawyer): (If you want your address to be private, give a mailing address instead): \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone # (optional): \_\_\_\_\_  
 Protected person's lawyer (if any): (Name, address, phone # and State Bar #): \_\_\_\_\_

2 Restrained person's name: \_\_\_\_\_  
 Description of that person: Sex: ☐ M ☐ F Hb.: \_\_\_\_\_  
 Wt.: \_\_\_\_\_ Race: \_\_\_\_\_ Hair Color: \_\_\_\_\_  
 Eye Color: \_\_\_\_\_ Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

3 List the full names of all family or household members protected by this order: \_\_\_\_\_

4 Court Hearing Date (Fecha de la Audiencia)  
 Court will fill in box below: \_\_\_\_\_ The court hearing will be at: \_\_\_\_\_  
 Hearing Date: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
 Dept.: \_\_\_\_\_ Rm.: \_\_\_\_\_

To the person in (2): At the hearing, the judge can make restraining orders that last for up to 3 years. The judge can also make other orders about children, child support, money, and property. At the hearing, you can tell the judge if you do not want the orders against you. Even if you do not attend the hearing, you must obey the orders.  
 Para la persona nombrada en (2): En esta audiencia el juez puede hacer que la orden de restricción sea válida hasta un máximo de 3 años. El juez puede también hacer otras órdenes acerca de niños, manutención, dinero y propiedad. Si Usted se opone a estas órdenes, vaya a la audiencia y dígaselo al juez. Aunque no vaya a la audiencia, tiene que obedecer estas órdenes.

To the person in (1): At the hearing, the judge will consider whether denial of any orders will jeopardize your safety and the safety of children for whom you are requesting custody visitation and child support. Safety concerns related to your financial needs and the child's will also be considered.

5 Temporary Orders (Órdenes Temporales)  
 Any orders made in this form and on the date and time of the court hearing in (4), unless a judge extends them. Resulta útil en su caso. All checked boxes (2) and item 10 are court orders.  
 Todas las órdenes hechas en este formulario terminarán en la fecha y hora de la audiencia en (4) al menos que un juez las extienda. Lee este formulario con cuidado. Todas las casillas marcadas (2) y artículo 10 son órdenes de la corte.

**This is a Court Order.**

Judicial Council of California, www.courtinfo.ca.gov  
 Form DV-110, 2/2005, Restraining Order  
 Family Code, §§ 6302 et seq., 6303, 6304, 6305, 6306, 6307, 6308, 6309, 6310, 6311, 6312, 6313, 6314, 6315, 6316, 6317, 6318, 6319, 6320, 6321, 6322, 6323, 6324, 6325, 6326, 6327, 6328, 6329, 6330, 6331, 6332, 6333, 6334, 6335, 6336, 6337, 6338, 6339, 6340, 6341, 6342, 6343, 6344, 6345, 6346, 6347, 6348, 6349, 6350, 6351, 6352, 6353, 6354, 6355, 6356, 6357, 6358, 6359, 6360, 6361, 6362, 6363, 6364, 6365, 6366, 6367, 6368, 6369, 6370, 6371, 6372, 6373, 6374, 6375, 6376, 6377, 6378, 6379, 6380, 6381, 6382, 6383, 6384, 6385, 6386, 6387, 6388, 6389, 6390, 6391, 6392, 6393, 6394, 6395, 6396, 6397, 6398, 6399, 6400, 6401, 6402, 6403, 6404, 6405, 6406, 6407, 6408, 6409, 6410, 6411, 6412, 6413, 6414, 6415, 6416, 6417, 6418, 6419, 6420, 6421, 6422, 6423, 6424, 6425, 6426, 6427, 6428, 6429, 6430, 6431, 6432, 6433, 6434, 6435, 6436, 6437, 6438, 6439, 6440, 6441, 6442, 6443, 6444, 6445, 6446, 6447, 6448, 6449, 6450, 6451, 6452, 6453, 6454, 6455, 6456, 6457, 6458, 6459, 6460, 6461, 6462, 6463, 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**Can I bring a witness to the court hearing?**

You can bring witnesses or documents that support your case, but the judge may not have enough time to talk to the witnesses. So bring their written statements of what they saw or heard. *You must file and mail witness statements at least 10 days before the hearing or when you mail your Answer (DV-120) to the protected person.*

**Will I see the protected person at the court hearing?**

If the protected person comes to the hearing, you will see him or her. Do not talk to the protected person unless the judge says you can.

**How long does the order last?**

The first (temporary) order lasts until your next court date. At that time, the judge will decide to grant or deny the order. The order can last for up to 3 years, but child custody, visitation, child support and spousal support orders have different end dates. Custody, visitation, and child support orders usually last until the child turns 18.

**What if the protected person contacts me?**

No matter what, you have to follow the court order. The order does not affect the protected person. It only affects what *you* can do. Tell the protected person you cannot have contact.

**Can I agree with the protected person to cancel the order?**

No. Only the judge can change or cancel the order.

**What happens if I don't obey the court order?**

The police can arrest you. You can go to jail and pay a fine.

**What if I don't have a green card?**

The order is valid whether you have a green card or not. If you are worried about being deported, talk to an immigration lawyer.

**What if I don't speak English?**

Ask someone who speaks English to call the court clerk at least a week before your hearing. Ask for a court interpreter. You may have to pay a fee. If an interpreter is not available, bring someone to interpret for you. Do not ask a child to interpret for you.

**What if I am deaf?**

If you are deaf, contact the clerk at least 1 week before the hearing. Ask for an interpreter or other accommodation.

Clerk stamps date here when form is filed.

Fill in court name and street address:

**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF FRESNO**

1100 Van Ness Avenue  
Fresno, California 93724-0002

Clerk fills in case number:

**Case Number:**

The judge can consider your Answer at the hearing. Write your hearing date and time here:

**Hearing  
Date**

→ Date: \_\_\_\_\_ Time: \_\_\_\_\_  
Dept.: \_\_\_\_\_ Room: \_\_\_\_\_

**You must obey the orders until the hearing.**

If you do not come to this hearing, the judge can make the orders last for 3 years or longer.

**1** Name of person who asked for the order (protected person):

**2** Your name: \_\_\_\_\_

Your address (*skip this if you have a lawyer*): (*If you want your address to be private, give a mailing address instead*):

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Your telephone (*optional*): \_\_\_\_\_

Your lawyer (*if you have one*): (*Name, address, telephone number, and State Bar number*):

**Give the judge your answers to DV-100:**

**3** ☐ **Personal Conduct Orders**

I ☐ do ☐ do not agree to the order requested.

**4** ☐ **Stay-Away Order**

I ☐ do ☐ do not agree to the order requested.

**5** ☐ **Move-Out Order**

I ☐ do ☐ do not agree to the order requested.

**6** ☐ **Child Custody**

a. I ☐ do ☐ do not agree to the custody order requested.

b. ☐ I am not the parent of the child listed in DV-105.

c. ☐ I ask for the following custody order (*specify*):

d. I ☐ do ☐ do not agree to the orders requested to prevent child abduction.

**7** ☐ **Visitation**

a. I ☐ do ☐ do not agree to the visitation order requested.

b. ☐ I ask for the following visitation order (*specify*): \_\_\_\_\_

**8** ☐ **Child Support**

a. I ☐ do ☐ do not agree to the order requested.

b. ☐ I agree to pay guideline child support.

*You must fill out, serve, and file Form FL-150 or FL-155.*

**9** ☐ **Spousal Support**

I ☐ do ☐ do not agree to the order requested.

*Whether or not you agree, you must fill out, serve, and file Form FL-150.*

Type or print your name

*Sign your name*

Date:

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

**My Answer to the Statements in DV-100 and Other Requests**

*You must fill out, serve, and file Form FL-150.*

Item:	<u>                    </u>	Amount: \$	<u>                    </u>	Item:	<u>                    </u>	Amount: \$	<u>                    </u>
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enough supporting facts. The expenses are:

a. ☐ Attorney fees

b. ☐ Out-of-pocket expenses because the temporary restraining order was issued without

**I ask the court to order payment of my**

*You must file a receipt with the court within 72 hours after receiving Form DV-110.*

a. ☐ I do not own or have any guns or firearms.  
b. ☐ I ☐ have ☐ have not ☐ turned in my guns and firearms to the police or a licensed gun dealer.  
c. ☐ A copy of the receipt ☐ is attached. ☐ has already been filed with the court.

**Turn in guns or other firearms.**

I ☐ do ☐ do not agree to the orders requested.

### Other Orders (see item 20 on Form DV-100)

I ☐ do ☐ do not agree to the order requested.

## Batterer Intervention Program

I ☐ do ☐ do not agree to the order requested.

## Payments for Costs and Services

I ☐ do ☐ do not agree to the order requested.

### Attorney Fees and Costs

*If you have other requests, list them in (19) below.*

I ☐ do ☐ do not agree to the order requested.

## Property Restraint

*If you have other requests, list them in (19) below.*

I ☐ do ☐ do not agree to the order requested.

## Debt Payment

*If you have other requests, list them in (19) below.*

I ☐ do ☐ do not agree to the order requested.

## Property Control

Your name:

**Case Number:**

SHORT TITLE:  	CASE NUMBER:  
----------------------	----------------------

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
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- 22
- 23
- 24
- 25
- 26
- 27

(Required for verified pleading) The items on this page stated on information and belief are (specify item numbers, **not** line numbers):

This page may be used with any Judicial Council form or any other paper filed with the court.





Clerk stamps below when form is filed.

**1** Protected person's name: \_\_\_\_\_**2** Restrained person's name: \_\_\_\_\_**3 Notice to Server**

You must:

- Be 18 or over.
- Not be listed on the restraining order.
- Mail a copy of all documents checked in **4** to the person in **5**.



Court name and street address: \_\_\_\_\_

**4** I mailed to the person in **5** a copy of all documents checked below:

- a. ☐ DV-120 (Answer to Temporary Restraining Order)
- b. ☐ FL-150 (Income and Expense Declaration)
- c. ☐ FL-155 (Simplified Financial Statement)
- d. ☐ DV-130 (Restraining Order After Hearing)
- e. ☐ Other (specify): \_\_\_\_\_

**Case Number:** \_\_\_\_\_*Remember: You cannot serve DV-100, DV-105, DV-110, or DV-125 by mail.***5** I placed copies of the documents checked above in a sealed envelope and mailed them as listed below:

- a. Date: \_\_\_\_\_
- b. Mailed from (city): \_\_\_\_\_ (state): \_\_\_\_\_
- c. Mailed to (write name): \_\_\_\_\_
- d. At this address: \_\_\_\_\_

**6 Server's Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

*(If you are a process server):*

County of registration: \_\_\_\_\_ Registration number: \_\_\_\_\_

**7** I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Type or print server's name*\_\_\_\_\_  
*Server to sign here*